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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,961	09/28/2005	Jeffrey Wilson	DYOUP0286US	3621
23908 7590 05/11/2009 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115			EXAMINER BROOKS, SHANNON	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,961	Applicant(s) WILSON, JEFFREY	
	Examiner SHANNON R. BROOKS	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-35 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-35 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/30/08, 5/31/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/3/09 have been fully considered but they are not persuasive.

The Examiner had applied definitions of “mobile origination” and “mobile termination” that one of ordinary skill in the art would use to reject the Applicant’s claims, 1-15, 19-35, and 39-42.

The applicant has amended the specification and thereby submitted a clarification of the intended meaning of the terms, "mobile origination" and "mobile termination" which are different from those of one of ordinary skill in the art used by the Examiner stating:

“Accordingly, an MO message is a message originating from a mobile station sent in accordance with the Mobile Application Protocol (MAP) and which has not previously passed through an SMSC providing a store-and-forward function for the telecommunications network whereas an MT message is a message that has been converted from an MO message by the SMSC to a mobile terminated format.”

It has been shown that mobile originations messages and mobile terminations messages are taught in the Bennett reference. If the Applicant intends to differentiate between the mobile originations messages and mobile terminations messages of Bennett and the mobile originations messages and mobile terminations messages of the present application, then such differences

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should be made explicit in the claims. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-5, 7-8, 10, 12-15, 21-25, 27-28, 30, 32-35, and 41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in view of Allison (US 2003/0083078 A1).

Consider **Claim 1**, Bennet teaches telecommunications services apparatus for use with a telephone network, the apparatus comprising: means operable to support execution of one or more messaging applications, wherein an application may be executed for each of any or all

messages that arrive at the apparatus (**Pg. 5, [0062]**) in a mobile originated format (**read as a message format that has not previously passed through an SMSC and becoming MT after passing through an SMSC, Pg. 3, [0032]**); means for storing message attributes (**read as server, Pg. 5, [0062]**) matched to respective messaging applications (**read as different types of sources for message creation, Pg. 5, [0062] and Pg. 5, [0069]**); means for comparing, for each message, an attribute of that message with the stored message attributes, and operable thereby to select the respective messaging application on the basis of the comparison (**read as broker, translator, or reformatter, Pg. 5, [0062]**); and means for executing the selected messaging application, execution of the selected application including processing, transforming (**read as voice-to-email or email-to-voice**) and/or routing the respective message (**Pg. 4, [0050]-[0052]**).

Bennett does not specifically and definitively teach an attribute. However, Allison teaches an attribute (**Pg. 2, [0016]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Allison into Bennet to aid in the identification of a sending or receiving party (**Pg. 2, [0016]**).

Consider **Claim 21**, Bennett teaches a telecommunications services method for a telephone network, the method comprising: supporting execution of one or more messaging applications, wherein an application may be executed for each of any or all input messages (**Pg. 5, [0062]**) received in a mobile originated format (**read as a message format that has not previously passed through an SMSC and becoming MT after passing through an SMSC, Pg. 3, [0032]**) ; storing message attributes (**read as stored in server, Pg. 5, [0062]**) matched to respective messaging applications (**read as different types of sources for message creation,**

Pg. 5, [0062] and Pg. 5, [0069]); comparing, for each message, an attribute of that message with the stored message attributes, and thereby selecting the respective messaging application on the basis of the comparison (**read as broker, translator, or reformatter, Pg. 5, [0062]**); and executing the selected messaging application, execution of the selected application including processing, transforming (**read as voice-to-email or email-to-voice**) and/or routing the respective message (**Pg. 4, [0050]-[0052]**).

Bennett does not specifically and definitively teach an attribute. However, Allison teaches an attribute (**Pg. 2, [0016]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Allison into Bennet to aid in the identification of a sending or receiving party (**Pg. 2, [0016]**).

Consider **Claim 2**, Bennett teaches apparatus, wherein the message attributes include destination address (**Pg. 3, [0032] and [0047, and Pg. 4, [0049] and [0057]**).

Consider **Claim 3**, Bennett teaches apparatus, wherein the message attributes include destination address type (**Pg. 3, [0040] and [0043], Pg. 4, [0057], Pg. 5, [0062], and Pg. 5, Table 1)**).

Consider **Claim 4**, Bennett teaches apparatus, wherein the message attributes include originating address (**Pg. 4, [0052] and Pg. 8, [0094]**).

Consider **Claim 5**, Bennett teaches apparatus, wherein the message attributes include originating address type (**read as MIN, phone number, or email address, Pg. 4, [0052] and Pg. 8, [0094, and Pg. 5, [0062] and Table 1]**).

Consider **Claim 7**, Bennett teaches apparatus, wherein the message attributes include

message content (**Pg. 7, [0086]-[0087]**).

Consider **Claim 8**, Bennett teaches apparatus, comprising at least one SMS router for routing messages to the means operable to support execution of one or more messaging applications (**Fig. 1, Blocks 18 and 26c**).

Consider **Claim 10**, Bennett teaches apparatus, comprising a message transformation means for parsing, interpreting and transforming message content and addressing in order to generate a response message (**Pg. 4, [0050]-[0052] and Pg. 5, [0062] and [0069]**).

Consider **Claim 12**, Bennet teaches apparatus, wherein the response message is routed via the SMS router (**read as server 24, Pg. 5, [0062]**).

Consider **Claim 13**, Bennett teaches apparatus, wherein the response message is in mobile terminated form (**read as a received message from the network, Pg. 2, [0025]**).

Consider **Claim 14**, Bennet teaches apparatus, wherein the response message is routed over a data network (**Pg. 2, [0025] and Pg. 4, [0053]**).

Consider **Claim 15**, Bennett teaches apparatus, wherein the message transformation means is operable to return a response message back to the original sender without requiring a routing query to a home location register (HLR), the response addressing and routing information being derived from the original message (**Pg. 5, [0069]**).

Consider **Claim 22**, Bennett teaches a method according to claim 21, wherein the message attributes include destination address (**Pg. 3, [0032] and [0047, and Pg. 4, [0049] and [0057]**).

. Consider **Claim 23**, Bennett teaches a method according to claim 21, wherein the message attributes include destination address type (**Pg. 3, [0040] and [0043], Pg. 4, [0057], Pg.**

5, [0062], and Pg. 5, Table 1).

Consider **Claim 24**, Bennett teaches a method according to claim 21, wherein the message attributes include originating address (**Pg. 4, [0052] and Pg. 8, [0094]**).

Consider **Claim 25**, Bennett teaches a method according to claim 21, wherein the message attributes include originating address type type (**read as MIN, phone number, or email address, Pg. 4, [0052] and Pg. 8, [0094], and Pg. 5, [0062] and Table 1**).

Consider **Claim 27**, Bennett teaches a method, wherein the message attributes include message content (**Pg. 7, [0086]-[0087]**).

Consider **Claim 28**, Bennett teaches a method according to claim 21, including routing messages via at least one SMS router for execution of one or more messaging applications (**Fig. 1, Blocks 18 and 26c**).

Consider **Claim 30**, Bennett teaches a method according to claim 21, comprising a message transformation step for parsing, interpreting and transforming message content and addressing in order to generate a response message (**Pg. 4, [0050]-[0052] and Pg. 5, [0062] and [0069]**).

Consider **Claim 32**, Bennett teaches a method, wherein the response message is routed via the SMS router (**read as server 24, Pg. 5, [0062]**).

Consider **Claim 33**, Bennett teaches a method according to claim 30, wherein the response message is in mobile terminated form (**read as a received message from the network, Pg. 2, [0025]**).

Consider **Claim 34**, Bennett teaches a method, wherein the response message is routed over a data network (**Pg. 2, [0025] and Pg. 4, [0053]**).

Consider **Claim 35**, Bennett teaches a method according to claim 30, wherein the message transformation step is operable to return a response message back to the original sender without requiring a routing query to a home location register (HLR), the response addressing and routing information being derived from the original message (**Pg. 5, [0069]**).

Consider **Claim 41**, Bennett teaches a computer program for implementing a method according to claim 21 (**Fig. 1a**).

Consider **Claim 42**, Bennet teaches a storage medium storing a computer program according to claim 41 (**Fig. 1a**).

5. **Claims 6, 11, 19-20, 26, 31, and 39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in view of Allison (US 2003/0083078 A1) and further in view of McCann (US 2001/0029182 A1).

Consider **Claim 6**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the message attributes include signaling fields.

However, McCann teaches the apparatus wherein the message attributes include signaling fields (**Pg. 8, [0069]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in processing (**Pg. 8, [0069]**).

Consider **Claim 11**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the response message is generated according to a programmable table of exceptions.

However, McCann teaches the apparatus wherein the response message is generated according to a programmable table of exceptions (**Pg. 8, [0069]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in the processing of signaling messages (**Pg. 8, [0069]**).

Consider **Claim 19**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the routing query is an SRI-SM MAP message.

However, McCann teaches the apparatus wherein the routing query is an SRI-SM MAP message (**Pg. 4, [0042] and Fig. 13**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to determine if access to the requested node is actually necessary (**Pg. 10, [0085]**).

Consider **Claim 20**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location.

However, McCann teaches the apparatus wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location (**Pg. 6, [0054]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to facilitate directing signaling messages (**Pg. 6, [0054]**).

Consider **Claim 26**, Bennett teaches a method, except that it does not specifically teach a method wherein the message attributes include signalling fields.

However, McCann teaches a method wherein the message attributes include signaling fields (**Pg. 8, [0069]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in processing (**Pg. 8, [0069]**).

Consider **Claim 31**, Bennett teaches a method, except that it does not specifically teach a method wherein the response message is generated according to a programmable table of exceptions.

However, McCann teaches the method wherein the response message is generated according to a programmable table of exceptions (**Pg. 8, [0069]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in the processing of signaling messages (**Pg. 8, [0069]**).

Consider **Claim 39**, Bennett teaches a method, except that it does not specifically teach a method wherein the routing query is an SRI-SM MAP message.

However, McCann teaches the method wherein the routing query is an SRI-SM MAP message (**Pg. 4, [0042] and Fig. 13**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to determine if access to the requested node is actually necessary (**Pg. 10, [0085]**).

Consider **Claim 40**, Bennett teaches a method, except that it does not specifically teach a method wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location.

However, McCann teaches the method wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location (**Pg. 6, [0054]**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to facilitate directing signaling messages (**Pg. 6, [0054]**).

6. **Claims 9, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in view of Allison (US 2003/0083078 A1) and further in view of Khello (US 7027582 B2).

Consider **Claim 9**, Bennett teaches apparatus, except that it does not specifically teach an apparatus including an SMS service control point (SCP) such that service logic may operate in the SMS router in conjunction with centralised intelligence in the SMS SCP.

However, Khello teaches teach an apparatus including an SMS service control point (SCP) such that service logic may operate in the SMS router in conjunction with centralised intelligence in the SMS SCP (**Col. 7, lines 37-57**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Khello into Bennett in order to provide an intelligent network trigger (**Col. 7, lines 37-57**).

Consider **Claim 29**, Bennett teaches a method, except that it does not specifically teach a method wherein service logic may operate in the SMS router in conjunction with centralised intelligence in an SMS service control point (SCP).

However, Khello teaches teach a method wherein service logic may operate in the SMS router in conjunction with centralised intelligence in the SMS SCP (**Col. 7, lines 37-57**).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Khello into Bennett in order to provide an intelligent network trigger (**Col. 7, lines 37-57**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Hand-delivered responses should be brought to

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401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Shannon R. Brooks/

Examiner, Art Unit 2617

Shannon Brooks

May 6, 2009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617